



August 31, 2016

PA Department of Environmental Protection  
Policy Office, Technical Guidance Coordinator  
Rachel Carson State Office Building,  
P.O. Box 2063  
Harrisburg, PA 17105-2063

Dear Technical Guidance Coordinator:

I am writing regarding the Pennsylvania Department of Environmental Protection's (Department) draft Technical Guidance Document (TGD), *DEP ID: 563-2100-216*, titled Coal Mine Activity Permit Renewals.

The Pennsylvania Coal Alliance (PCA) is the principal trade organization representing underground and surface bituminous coal operators in Pennsylvania, as well as other associated companies whose businesses rely on coal mining and a strong coal economy. PCA member companies produce almost 90 percent of the bituminous coal mined annually in Pennsylvania, which is the fourth largest coal producing state in the nation.

The production of coal in Pennsylvania has steadily declined since 2008 due to overreaching Federal regulations coupled with increasing competition from natural gas due to historically low prices. During the first quarter of 2016 coal production in Pennsylvania decreased by twenty-four percent from the same quarter in 2015. At the same time, Pennsylvania coal operators have taken measures to survive the downturn by significantly reducing operating costs and decreasing their production schedule, which has resulted in a direct impact on family sustaining jobs and local economies. It is with this in mind that the PCA hopes to work with the Department in developing policies that streamline Department processes, ensure the efficient use of Department resources, and implement guidance that does not impose requirements on industry that are uneconomical and unnecessary.

The current permit renewal process requires details in a number of the module submissions to the Department that are duplicative of the initial permit application or other required submissions. During the renewal process, thirteen of the fourteen modules, all of which are included in the permit application or the six month maps, are required to be submitted for a permit renewal. Absent any regulatory changes or permit amendments, many of these required submissions are redundant, and further impose unnecessary requirements and costs on operators. Specifically:

1. Several of the requested modules are continually updated as needed via the six month map submittals. The six month map submittals include revisions to:
  - a. Lease information in Module 5 of the permit renewal.
  - b. Surface property information in Module 22 of the permit renewal.

- c. Mining plan changes in Module 22 of the permit renewal.
  - d. Safety zone approvals in Module 22 of the permit renewal.
2. Module 9 requires a map of the surface facilities. The surface facilities are certified after construction, and if no changes have been made at the mine site, this information has not changed.
  3. Module 19, which addresses bonding, is approved during the initial permitting process and is required for any permit revisions to surface facilities. The renewal process should not include an additional review of this module, but should focus on updating the unit costs for a particular reclamation feature to the current bond rates.
  4. Module 16 is only required for permits with a GP-12. This information is a reproduction of the original application if no revisions have been made.
  5. Providing effluent characterization for all sampling points at each permit renewal if the previous sampling showed no detection for that parameter is excessive. If no previous detection for that parameter exists, permittees should indicate on Form 5600-PM-BMP0032 that the constituent is not present based on previous sampling. Often this repetitive sampling includes ultra-low detection limits, some of which have higher concentrations than the blank sample (distilled water). This is an unnecessary and costly requirement as there are no laboratories in Pennsylvania equipped with the ability to identify these ultra-low limits.

The permit renewal process, although required by regulation, is nearly as lengthy and involved as applying for a permit. As such, we would like respectfully request that the Department examine this process and work with PCA to improve review time and streamline the modules in the renewal by identifying what can be eliminated or addressed with existing resources. As industry adapts to the steady decline in production, the Department should adjust accordingly and not increase the regulatory burden with little to no environmental purpose.

With regard to the draft TGD 563-2100-216 we are encouraged by the inclusion of A.4, a requirement that renewal applications be provided to each permittee 240 days prior to the permit expiration date. In addition to the 240 day notice, we also believe a mechanism to confirm receipt of the renewal correspondences by the permittee would assist in ensuring the communication has been made.

D.2.b of the draft TGD 563-2100-216 requires a copy of the permit renewal application to be submitted to Department's Bureau of Mine Safety for review. As you know, the Bureau of Mine Safety receives a 6-month map, which is more frequent than the five (5) year renewal process. In addition, the mine study portion of the permit is completed with the initial permit application or permit amendments. This additional requirement is unnecessary, and has the potential to delay an already time-consuming renewal process.

D.2.e requires the inclusion of a Cumulative Hydrologic Impact Assessment (CHIA) on every permit renewal. The CHIA requirement is set forth in 30 CFR 780.21(g), which focuses on approving operations and revisions to existing operations. Therefore, the scope of the CHIA should be limited to new applications and revisions, not renewals. Submitting a CHIA with a renewal is not only excessive, but is a utilization of Department resources that could be deployed in other capacities.

In addition, D.2.f states "A technical review of permit maps, plans and cross sections will be conducted to ensure they accurately reflect the current bond and facility status." A technical review is completed during the initial permit application and during permit amendments, therefore completing a technical review during the permit renewal process is duplicative and not an efficient use of Department resources. During the permit renewal process, if there have been no regulatory or operational changes to the affected permitted facility since

the last renewal, any review should be limited to updating Module 19 with recalculation of the bond using current bond rates.

D.4 of the draft TGD 563-2100-216 addresses submittal of the National Pollutant Discharge Elimination System (NPDES). While the submittal is standard, PCA would like to take this opportunity to encourage the Department to submit the NPDES application to the Environmental Protection Agency as soon as the permit renewal is formally accepted. It is the experience of some permittees that the NPDES permit is often not submitted timely, causing delays, and implicating future permit modifications and amendments.

Thank you in advance for your consideration of the above comments as they related to draft TGD 563-2100-216, titled Coal Mine Activity Permit Renewals. If you have any questions or would like to discuss further, please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Gleason".

Rachel Gleason  
Executive Director  
PA Coal Alliance